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| 09/827,633      | 04/06/2001  | Wolfgang Schumacher  | SIE6208P0020US      | 9031             |

32116 7590 07/02/2003

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
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CHICAGO, IL 60661

EXAMINER

KUHNS, ALLAN R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1732

DATE MAILED: 07/02/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/027,633

Applicant(s)

SCHUMACHER

Examiner

KUHN

Group Art Unit

1732

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on JUNE 18, 2003
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-15 is/are pending in the application.
- Of the above claim(s) 15 is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-12 is/are rejected.
- ☒ Claim(s) 13-14 is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

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1. Applicant's election without traverse of Group I, claims 1-14 in Paper No. 7 is acknowledged.
2. Claim 15 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 7.
3. It is requested that Applicant report the PUR/PIR foam in unabbreviated form in at least one part of the disclosure.
4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim is indefinite because it is unclear as to what is meant when the cassette is "singled", such that the scope of the claim could not be established by one of ordinary skill in the art. Clarification is required.
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson in view of Sulzbach et al. Larson discloses the basic claimed method of producing a sandwich element including a lower and upper skin, a frame joining the skins in a outer portion and a foam between the skins and within the frame, the method including (1) applying the foam from a

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discharge orifice of an applicator into a lower skin and frame open at the top and which is then joined to the upper skin, and (2) conveying the lower skin and frame and distributing the foam. Larson teaches or suggests relative movement with regard to the applicator and preform (lower skin and frame such that the foam is distributed. Larson appears not to teach transverse movement of the applicator, but such is taught by Sulzbach et al. at column 4, lines 23-26 (note arrow 30). It would have been obvious to one of ordinary skill in the art to incorporate the transversely reciprocating applicator taught by Sulzbach et al. into the method of Larson in order to ensure that the width of the lower skin is covered by reactants.

Sulzbach et al. teach or suggest a translatory movement in a transverse direction, as in claim 2, and the relative motion in the longitudinal direction, as in claim 3, is translatory in Larson and Sulzbach et al. It is submitted that the movements are capable of being programmed, as in claim 4. Sulzbach et al. disclose the use of a second discharge orifice, as in claim 5, which is denoted as independent in the abstract of Sulzbach et al., as in claim 6. Larson discloses the use of PUR material, as in claim 7, at column 2, line 34. Claim 8 is essentially a statement of an intended use of the molded article rather than a manipulative step used to distinguish "method claims over prior art. Larson teaches or suggests the structure of claim 9 and the use of a double belt system, as in claim 11. Sulzbach et al. teach or suggest a self-cleaning mixer head, as in claim 10, by referring to "condition" and "flush" modes.

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7. Claims 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (703) 308-3462. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino, can be reached on (703) 308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Allan R. Kuhns*

ALLAN R. KUHNS  
PRIMARY EXAMINER AU 1732

6-26-03